

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 23, 2004**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conservation Deed Restriction for a portion of Sandusky Park**

RECOMMENDATION: Adopt a resolution placing a conservation deed restriction on approximately 1.3 acres of trees and shrubs that Home Depot, Inc. proposes to plant in Sandusky Park.

SUMMARY: Home Depot, Inc. is constructing a home improvement retail facility on property located at 1200 Graves Mill Road. Because of the topography of the property it is necessary for Home Depot to place fill material in the floodplain. As a condition for placing fill material in the floodplain the Virginia Department of Environmental Quality is requiring Home Depot to implement a number of riparian best management practices. Most the Home Depot's efforts will take place on the property at 1200 Graves Mill Road. However, some of the riparian best management practices will take place at other locations. Home Depot has requested permission to plant native trees and shrubs on approximately 1.3 acres of property that is located in Sandusky Park. The plantings will help stabilize the creek bank, promote erosion and sediment control and provide additional habitat for wildlife. In order for the proposed project to be approved by the Virginia Department of Environmental Quality the City must place a conservation deed restriction on the 1.3 acres where the trees and shrubs are planted in order to keep them from being destroyed by future development. The Parks and Recreation Department advises that (i) the 1.3 acres in question is a riparian buffer zone (ii) the proposed plantings are consistent with the City's efforts to preserve Sandusky Park as a wildlife sanctuary and (iii) there are no plans to develop this area of Sandusky Park. Parks and Recreation knows of no reason why a conservation deed restriction should not be placed on area in question.

PRIOR ACTION(S): On July 13, 2004, City Council granted Home Depot, Inc. a Conditional Use Permit allowing it to place fill material in a floodplain as part of the construction of a home improvement retail facility at 1200 Graves Mill Road.

FISCAL IMPACT: None

CONTACT(S): Walter Erwin, 455-3973
Andrew Reeder, 455-5876

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

BE IT RESOLVED That the Council of the City of Lynchburg hereby gives Home Depot, Inc. permission to plant native trees and shrubs on approximately 1.3 acres of property that is located in Sandusky Park. The planting of the trees and shrubs shall be approved by and shall be performed under the supervision of the City's Parks and Recreation Department.

BE IT FURTHER RESOLVED That the Council of the City of Lynchburg hereby authorizes the placement of a conservation deed restriction on the 1.3 acres in Sandusky Park where the trees and shrubs are planted and the City Manager is authorized to execute any documents that are needed for the placement of the conservation deed restriction.

Adopted:

Certified:

Clerk of Council

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